

In re Appln. of Ross et al.
Application No. 09/100,100

Office Action rejects claims 28, 29, 40, 41, 46, 48-50, 52-54, 57, 59-61 and 63-65 under 35

U.S.C. 103(a) over the Goltra '495 patent. For the reasons set forth below, Applicants traverse each ground for the rejection of all the pending claims.

With regard to the anticipation rejection of claims 25-27, 37-39, 42-45, 51, 55, 56 and 62 in paragraphs 2 and 3 of the Office Action, it is unnecessary to specifically address the Office Action's bases for finding these claims anticipated by the Goltra '495 patent because the Goltra '495 patent reference is not prior art with regard to Applicants' invention. Applicants completed their invention, as set forth in each of the above-referenced claims, prior to the filing date of the Goltra '495 patent. Applicants submit herewith a declaration pursuant to 37 CFR Section 1.131 establishing reduction to practice date of the presently claimed invention prior to the filing date of the Goltra '495 patent. Thus, the rejection of the aforementioned claims as anticipated is overcome.

The obviousness rejection of claims 28, 29, 40, 41, 46, 48-50, 52-54, 57, 59-61 and 63-65 in paragraphs 4 and 5 of the Office Action is similarly overcome since the Goltra '495 patent is not prior art with regard to the presently claimed invention in view of Applicants submitted declaration pursuant to 37 CFR Section 1.131. Furthermore, with regard to the obviousness rejection of claims 28, 29 40 and 41 in **paragraph 5** of the Office Action over Goltra in view of official notice, Applicants agree that headlines and sub headlines and the use of bold, italic and larger text sizes in a document were known at the time of the invention. However, Applicants traverse the Office Action's official notice to the extent that the Office Action asserts that the prior art suggested combining these elements with the teachings of Goltra to render the invention recited in claims 28, 29, 40 and 41. The mere existence of the above identified

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elements does not suggest that one skilled in the art would have been motivated to incorporate them into Goltra. Indeed, Goltra does not even address visually formatting the resulting text. In the event that the rejection of claims 28, 29, 40 and 41 is not withdrawn, Applicants request provision of references disclosing the asserted well known elements so that Applicants may assess whether the claimed combinations are suggested by the references in view of Goltra.

With regard to the obviousness rejection of claims 46, 48, 49, 57, 59 and 60 in **paragraph 5** of the Office Action over Goltra in view of official notice, Applicants agree that updating a patient record was known at the time of the invention. However Applicants traverse the Office Action's official notice to the extent that the Office Action asserts that the prior art suggests the claimed combination of elements to render the claimed invention. In the event that the rejection of claims 28, 29, 40 and 41 is not withdrawn, Applicants request provision of references disclosing the asserted well known elements so that Applicants may assess whether the claimed combinations are suggested by the references in view of Goltra.

With regard to the obviousness rejection of claims 50 and 61 in **paragraph 5** of the Office Action over Goltra in view of official notice, Applicants agree that document editors, such as Microsoft WORD are known. However, Applicants traverse the Office Action's official notice to the extent that the Office Action asserts that the prior art suggests the claimed combination of elements to render the claimed invention. In the event that the rejection of claims 50 and 61 is not withdrawn, Applicants specifically request references disclosing the asserted well known elements so that Applicants may assess whether the claimed combinations are suggested by the references in view of Goltra.

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Application No. 09/100,100

With regard to the obviousness rejection of claims 52-54 and 63-65 in **paragraph 5** of the Office Action over Goltra in view of official notice, Applicants agree that the various security and accounting features of: limiting access, recording a time at which a particular piece of information is submitted for a patient medical record, and recording an identity of a logged on user that supplied a particular piece of information stored in the patient medical information record. However Applicants traverse the Office Action's official notice to the extent that the Office Action asserts that the prior art suggests the claimed combination of elements to render the claimed invention. In the event that the rejection of claims 52-54 and 63-65 is not withdrawn, Applicants specifically request references disclosing the asserted well known elements so that Applicants may assess whether the claimed combinations are suggested by the references in view of Goltra.

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application, including presently pending claims 25-29 and 37-65 to issue. Applicants have submitted a 131 declaration establishing a date of reduction to practice of the present invention prior to the filing date of the Goltra '495 patent. Furthermore, while a number of elements are indeed known in the prior art, Goltra does not suggest their incorporation to render the claimed combinations. Therefore the rejection of claims as obvious is improper.

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Application No. 09/100,100

If, in the opinion of the Examiner, a telephone conference or in person interview would expedite prosecuting the subject application, the Examiner is invited to call the undersigned attorney to arrange such a conference or meeting.

Respectfully submitted,



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